

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS

69A Hagood Avenue

Charleston, South Carolina 29403-5107

and the

S. C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT

1362 McMillan Avenue, Suite 400

Charleston, South Carolina 29405

REGULATORY DIVISION

Refer to: P/N # [REDACTED] 2008-0189-11Q-P

February 01, 2008

Pursuant to Section 10 of the Rivers and Harbors Act of 1889 (33 U.S.C. 403), and the South Carolina Coastal Zone Management Act (48-39-10 et seq.) an application has been submitted to the Department of the Army and the S. C. Department of Health and Environmental Control by

THE OAKS AT BROAD RIVER LANDING LLC

100 RIVERCHASE BOULEVARD

BEAUFORT, SOUTH CAROLINA 29906

for a permit to construct a community fishing and crabbing dock on the

BROAD RIVER

at a location on the east bank of Broad River, about 0.33-mile north of the SC170 bridge, City of Beaufort, Beaufort County, South Carolina (Longitude -80.77101 x Latitude 32.39843)

In order to give all interested parties an opportunity to express their views

NOTICE

is hereby given that written statements regarding the proposed work will be received by both of the above mentioned offices until

12 O'CLOCK NOON, MONDAY, MARCH 03, 2008

from those interested in the activity and whose interests may be affected by the proposed work.

The proposed work consists of construction of a 6' x 80' pier leading to a 20' x 20' fixed covered pierhead for the purpose of providing a fishing and crabbing recreation amenity for the existing adjacent apartment complex.

NOTE: Plans depicting the work described in this notice are available and will be provided, upon receipt of a written request, to anyone that is interested in obtaining a copy of the plans for the specific project. The request must identify the project of interest by public notice number and a self-addressed stamped envelope must also be provided for mailing the drawings to you. Your request for drawings should be addressed to the

February 01, 2008

**U.S. Army Corps of Engineers
ATTN: REGULATORY DIVISION
69A Hagood Avenue
Charleston, South Carolina 29403-5107**

The work shown on this application must also be certified as consistent with applicable provisions the Coastal Zone Management Program (15 CFR 930). The District Engineer will not process this application to a conclusion until such certifications are received. The applicant is hereby advised that supplemental information may be required by the State to facilitate the review.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Implementation of the proposed project would impact 0.02-acre of estuarine substrates and emergent wetlands utilized by various life stages of species comprising the red drum, shrimp, and snapper-grouper management complexes. Our initial determination is that the proposed action would not have a substantial individual or cumulative adverse impact on EFH or fisheries managed by the South Atlantic Fishery Management Council and the National Marine Fisheries Service (NMFS). Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

The District Engineer has consulted the most recently available information and has determined that the project will have no effect on any Federally endangered, threatened, or proposed species and will not result in the destruction or adverse modification of designated or proposed critical habitat. This public notice serves as a request to the U.S. Fish and Wildlife Service and the National Marine Fisheries Service for any additional information they may have on whether any listed or proposed endangered or threatened species or designated or proposed critical habitat may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1973 (as amended).

Pursuant to Section 106 of the National Historic Preservation Act (NHPA), this public notice also constitutes a request to Indian Tribes to notify the District Engineer of any historic properties of religious and cultural significance to them that may be affected by the proposed undertaking.

In accordance with the NHPA, the District Engineer has also consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered property or property listed as being eligible for inclusion in the Register. To insure that other cultural resources that the District Engineer is not aware of are not overlooked, this public notice also serves as a request to the State Historic Preservation Office to provide any information it may have with regard to historic and cultural resources.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

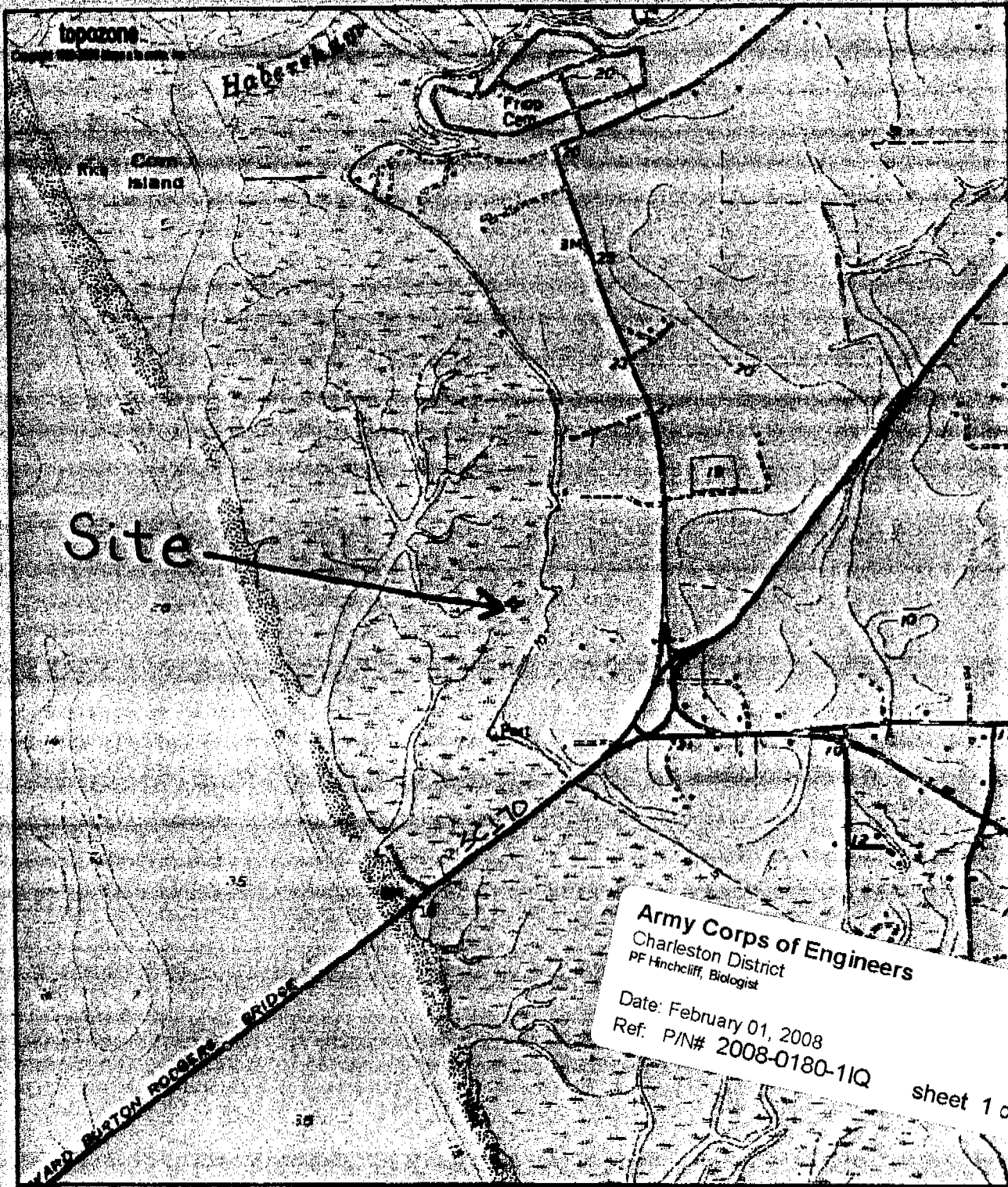
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary

to the public interest. In cases of conflicting property rights, the Corps of Engineers cannot undertake to adjudicate rival claims.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

If there are any questions concerning this public notice, please contact Paul Hinchcliff at 843-329-8044 or toll free at 1-866-329-8187.

Jeff Thompson
SCDH/DCRM
Project manager



Army Corps of Engineers
 Charleston District
 PF Hinchliff, Biologist
 Date: February 01, 2008
 Ref: P/N# 2008-0180-11Q
 sheet 1 of 3


0 0.3 0.6 0.9 1.2 1.5 km
 0 0.2 0.4 0.6 0.8 1 mi
 UTM 17 521487E 3584515N (NAD27)
 USGS Laurel Bay (SC) Quadrangle
 Projection is UTM Zone 17 NAD83 Datum

oaks @
 Broad River

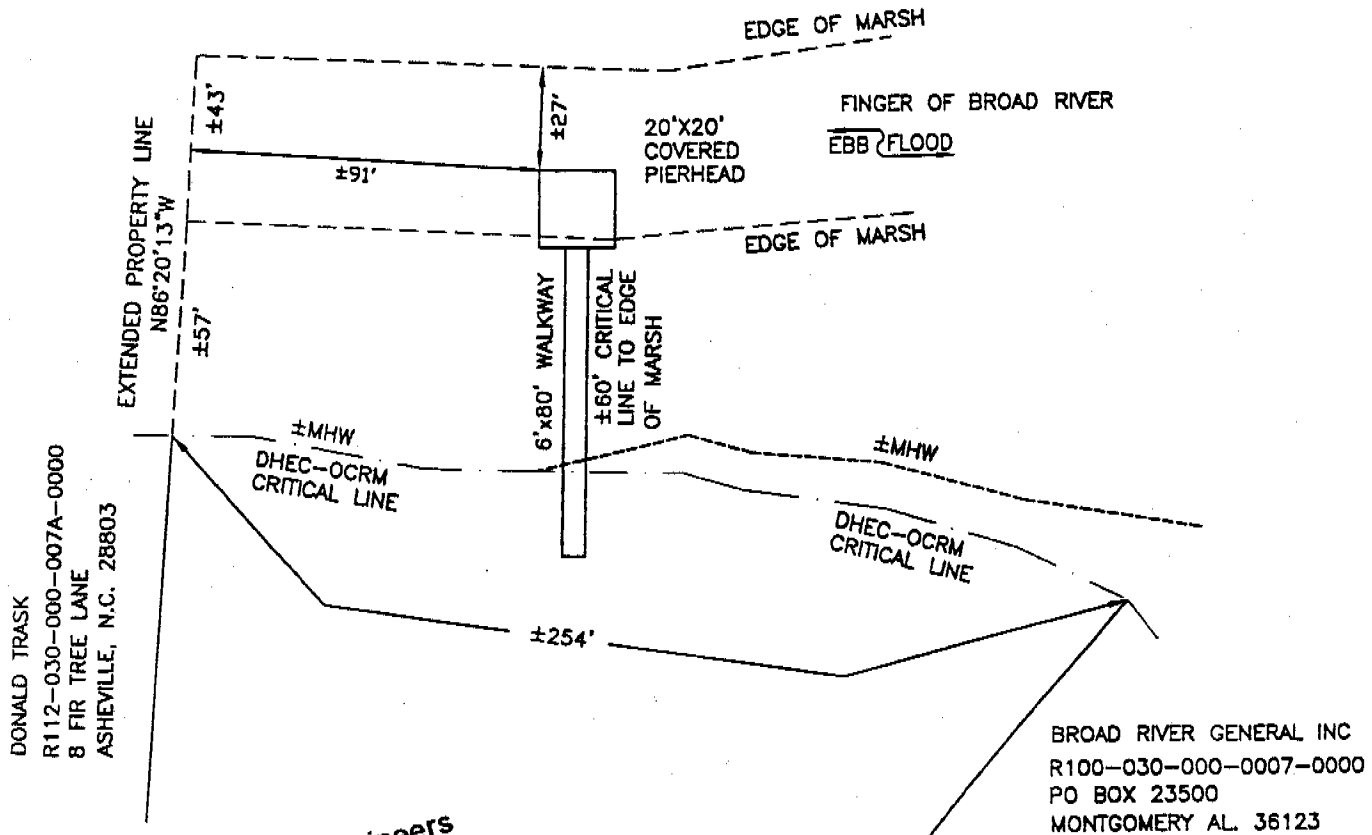
<p>APPLICANT: OAKS AT BROAD RIVER LLC</p> <p>ACTIVITY: CRABBING DOCK</p>	<p>LOCATION: OAKS AT BROAD RIVER LANDING</p> <p>COUNTY: BEAUFORT</p> <p>DATE: 12/21/07</p>	<p>ADJACENT PROPERTY OWNERS BROAD RIVER GENERAL INC</p> <p>DONALD TRASK</p>
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PERMIT AUTHORITY ON THE SUBJECT PROPERTY. CRITICAL AREAS BY THEIR NATURE ARE DYNAMIC AND SUBJECT TO CHANGE OVER TIME. BY ELIMINATING THE PERMIT AUTHORITY OF THE DEPARTMENT, THE DEPARTMENT IN NO WAY WAIVES ITS RIGHT TO ASSERT PERMIT JURISDICTION AT ANY TIME IN ANY CRITICAL AREA ON THE SUBJECT PROPERTY, WHETHER SHOWN HEREON OR NOT.

DOCK PERMIT SKETCH
PREPARED FOR
OAKS AT BROAD RIVER LLC


SIGNATURE
1-16-08
DATE

The critical line shown on this plat is valid for five years from the date of this signature, subject to the cautionary language above.



Army Corps of Engineers
Charleston District
PF Hinchliff, Biologist
Date: February 01, 2008
Ref: P/N# 2008-0180-11Q

sheet 2 of 3


I HEREBY CERTIFY TO THE DIMENSIONS SHOWN ON THIS SKETCH THAT PERTAIN TO CRITICAL LINE AND MARSH LINE.

R100-030-000-007B-0000

0 25' 50' 100' 150'

SCALE 1" = 50'

DECEMBER 21, 2007
P13613/JJ


DAVID S. YOUMANS RLS 9765
BEAUFORT SURVEYING, INC.
1613 PARIS AVENUE
PORT ROYAL, S.C. 29935
PHONE (843) 524-3261

APPLICANT:
OAKS AT BROAD RIVER LLC
ACTIVITY:
CRABBING DOCK

LOCATION:
OAKS AT BROAD RIVER LANDING
COUNTY: BEAUFORT
DATE: 12/21/07

ADJACENT PROPERTY OWNERS
BROAD RIVER GENERAL INC
DONALD TRASK

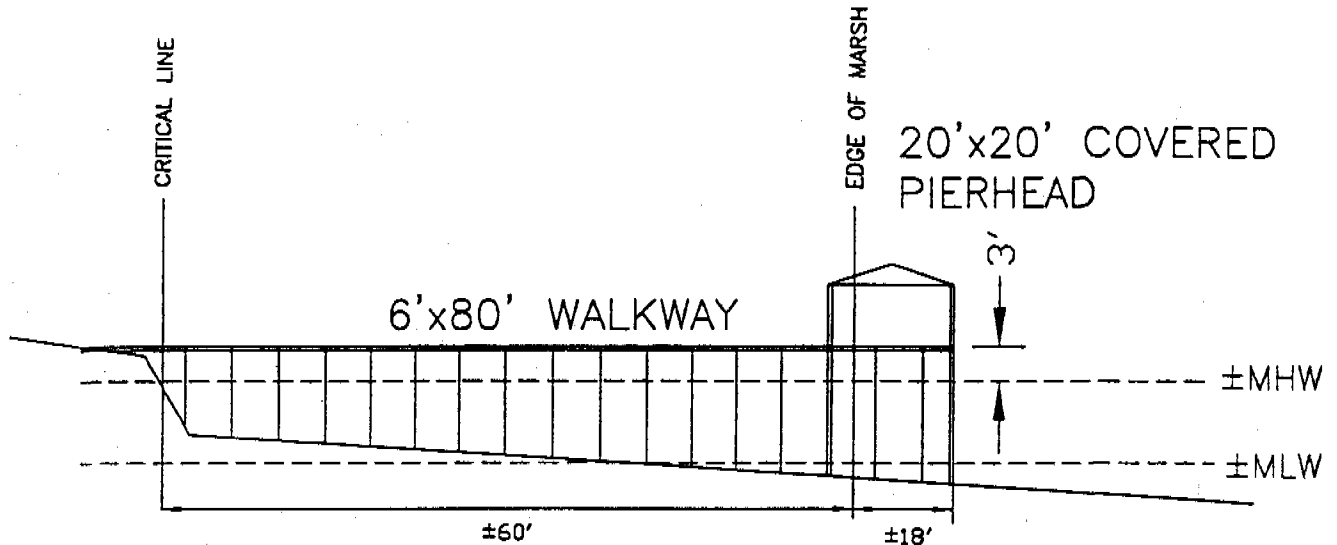
THE AREA SHOWN ON THIS PLAT IS A REPRESENTATION OF DEPARTMENT PERMIT AUTHORITY ON THE SUBJECT PROPERTY. CRITICAL AREAS BY THEIR NATURE ARE DYNAMIC AND SUBJECT TO CHANGE OVER TIME. BY GRANTING THE PERMIT AUTHORITY OF THE DEPARTMENT, THE DEPARTMENT IN NO WAY WAIVES ITS RIGHT TO ASSERT PERMIT JURISDICTION AT ANY TIME IN ANY CRITICAL AREA ON THE SUBJECT PROPERTY, WHETHER SHOWN HEREON OR NOT.

DOCK PERMIT SKETCH
PREPARED FOR
OAKS AT BROAD RIVER LLC

David S. Youmans
SIGNATURE

1-16-08
DATE

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SIDE VIEW
NOT TO SCALE

Army Corps of Engineers
Charleston District
PF Hinchcliff, Biologist

Date: February 01, 2008
Ref: P/N# 2008-0180-11Q

sheet 3 of 3

DONALD TRASK
R112-030-000-007A-0000
8 FIR TREE LANE
ASHEVILLE, N.C. 28803

BROAD RIVER GENERAL INC
R100-030-000-0007-0000
PO BOX 23500
MONTGOMERY AL. 36123

R100-030-000-007B-0000
P13613/JJ

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ON THIS SKETCH THAT PERTAIN TO CRITICAL LINE
AND MARSH LINE.

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DONALD TRASK